

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:16-cv-476-RJC
(3:05-cr-376-RJC-1)**

GEORGE E. DIRI,)	
)	
Petitioner,)	
)	
vs.)	ORDER
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
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THIS MATTER is before the Court on Petitioner’s Motion to Stay Consideration of Motion Under 28 U.S.C. § 2255, (Doc. No. 3).

Petitioner filed a § 2255 Motion to Vacate raising a claim pursuant to Johnson v. United States, 135 S.Ct. 2551 (2015), (Doc. No. 1). The Court ordered the Government to respond to the petition but instead it filed the pending Motion seeking to stay these proceedings until the Fourth Circuit Court of Appeals resolves United States v. Ali, Case No. 15-4433, and United States v. Simms, Case No. 15-4640. The Government argues that the issue Petitioner has raised in his Motion to Vacate has also been raised in Ali and Simms so that those cases may be dispositive of Petitioner’s claim. Petitioner’s counsel does not object to the Motion. (Doc. No. 3 at 2). Those cases are calendared for oral argument in the Fourth Circuit Court of Appeals for September, 2018. Simms, especially appears on point.

IT IS HEREBY ORDERED that the Respondent's Motion to Stay Consideration of Motion Under 28 U.S.C. § 2255, (Doc. No. 3), is **GRANTED**. The Government shall have 60 days following the Fourth Circuit’s issuance of the mandate in Simms to file its Response.

Signed: June 22, 2018

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

